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Biden, Legislators Applaud Senate Passage of Environmental Protection Bill

Dover – Polluters who ignore Delaware’s environmental laws and illegally send harmful chemicals and substances into our air, land and water face stronger enforcement actions and greater financial consequences under legislation passed today by the state Senate. SB 92, drafted by the Attorney General’s office and sponsored by Sen. David McBride (D-Hawks Nest), Rep. Quinn Johnson (D-Middletown), Rep. Michael Mulrooney (D-Pennwood), and Rep. Debra J. Heffernan (D-Bellefonte, Claymont, Edgemoor) is aimed at chronic polluters who demonstrate a pattern of ignoring Delaware’s environmental-protection laws, show no willingness to reduce pollution from their facilities or appear to view environmental penalties as a cost of doing business.

“One of government’s primary duties is to protect the health and safety of families and communities by safeguarding Delaware’s natural resources,” Attorney General Beau Biden said. “This legislation provides strong motivation for polluters who currently treat environmental fines simply as the cost of doing business to clean up their act and follow the law. I am grateful to Senator McBride for his leadership in securing its passage in the Senate and I look forward to working with Representatives Johnson, Mulrooney and Heffernan to get this bill passed in the House by June 30.”

SB 92 strengthens Delaware’s existing “chronic violators” law. It gives the Department of Natural Resources and Environmental Control clearer authority designate polluters as chronic violators, which triggers enhanced financial penalties for future emissions. The bill also beefs up those penalties. Currently, a chronic violator can only be fined a maximum of \$10,000 per day. Under the bill, violators could be fined a maximum of \$10,000 per illegal emission per day.

“In 2001, I introduced and passed the original chronic violators program. I believe it is now time to reexamine the existing program, and where necessary, to strengthen our existing program,” said Sen. David McBride, D-Hawk’s Nest, who has been longtime champion of environmental protection issues. “This legislation will help us take a proactive step to really take strong and swift action for violators who are unwilling to change their behavior.”

Rep. Quinn Johnson, who chairs the House Natural Resources Committee, said the legislation would hold chronic violators accountable and protect taxpayers against bearing the burden of cleanup costs. “I am pleased that the Senate has passed this important piece of legislation and am looking

forward to passing the bill in the House,” said Rep. Johnson, D-Middletown. “We must make sure that we are protecting our environment and holding polluters accountable.”

Specifically, the legislation:

- Clarifies that the definition of chronic violator under the law applies to parties that demonstrating either an inability or an unwillingness to comply with Delaware law, or to parties that appear to treat environmental penalties simply as a business expense rather than an environmental threat it must correct
- Broadens the standards and criteria DNREC uses to declare a chronic violator to include parties that have not adequately funded or modernized their operations, maintenance, training programs and risk management reviews and to parties that have not used recognized and generally accepted engineering and other industry practices to ensure compliance with environmental regulations.
- Updates DNREC's authority to amend and modify chronic violator regulations and enhances administrative penalties for violators. It significantly increases financial penalties from the current maximum of \$10,000 per day to \$10,000 for each separate release of each identifiable pollutant per day. This increased penalty could be substantially higher and acts as a more effective deterrent.

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